

ENDWELL FIRE DISTRICT

ELECTION POLICY

Number: 2023 - 20

Adopted: January 04, 2023

POLICY STATEMENT

The election of fire district officers either at the annual election or at a special election or special election to vote on a proposition is generally governed by various Town Law provisions. The Endwell Fire District desires to memorialize the requirements of the elections and set out a policy for the annual or special election of the Endwell Fire District.

Annual Election of Fire District Officers

The annual election of officers of the Endwell Fire District shall be held on the second Tuesday in December. All other Endwell Fire District special elections or a vote to determine the passage of a proposition will be conducted on a Tuesday, the date to be selected by the board of fire commissioners.

Notice of Annual Election, Special Elections, and Voting on a proposition

The board of fire commissioners shall give notice of the annual election, a special election, or a vote on a proposition by the publication of the notice of election once in one of the newspapers that were designated at the organizational meeting of the fire district held annually in January, which publication is in general circulation within the Endwell Fire District. The following is the newspaper designated at the organizational meeting of the Endwell Fire District Board of Fire Commissioners. (*Press & Sun-Bulletin.*)

Time of Publication of Notice

The notice of election must be published in the above newspaper no less than 27 days and not more than 34 days prior to the date of the annual election, special election, or the date for voting on a proposition.

POSTING OF THE NOTICE OF ELECTION

Website and Signboard Posting

The Secretary of the Endwell Fire District shall post the notice of any upcoming annual, special election or a vote for the proposition on the fire district website and on the fire district maintained signboard for at least 15 days prior to, and no sooner than 20 days before the date of the election.

Posting on the town or village website and town clerk's signboard

The Fire District Secretary of the Endwell Fire District is also required to send the notice of election to the Town of Union Clerk for posting on the town and on the Town signboard maintained by the Town Clerk so that this posting may occur at least 15 days prior to, but no sooner than 20 days before, the election date. (*In certain situations where the fire district encompasses a village, additional postings may be done at the village's offices and with the village clerk.*)

Contents of the Notice of Election

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The notice of election shall contain the hours the polls will be open, the location of the election, and the subject matter of the election.

1. Poll Hours - The hours the polls will be open for the annual election, special election, or voting on a proposition unless extended by a subsequent resolution of the board of Fire Commissioners the hours of the annual election, special election to vote on a proposition shall be between the hours of 6:00 P.M. and 9:00 P.M.

(Extending the hours of an election - The board of fire commissioners may extend these hours to longer, but the minimum hours must be between 6:00 p.m. and 9:00 p.m. and the election hour may not exceed 9:00 p.m. Also, any extension of the hours must be consecutive hours prior to six o'clock in the evening)

2. All elections the place where the such election will be held at the Endwell Fire Station, 3508 Country Club Road, Endwell, New York 13760.
3. In the case of an election for fire district officers, the names of the offices to be elected. In the case of a special election to vote on a proposition, the ballot shall recite the proposition to be voted upon.

Ballot Preparation

The fire district secretary shall prepare the ballots for all elections of fire district officers, special elections, or elections to vote on a proposition. The secretary may seek the assistance of counsel in preparing the ballot. Ballots may be paper, or voting machines can be used. The ballots for the election of district officials must contain the names of the candidates and, in addition, the ballots must provide proper blank spaces (write-in) for each office to be filled at such election. If the vote is for a proposition to be voted upon, the ballot must contain the proposition.

Write-In Ballots

Ballots prepared for the election of fire district officers shall specify the names of the candidates properly filed with the fire district secretary. In addition, the ballot must provide blank spaces for each office to be filled at each election. Accordingly, there must be proper spaces for write-in candidates in each election. Write-in ballots are ballots to be used only to vote for any person whose name does not appear on the machine or on the paper ballot as a nominated or designated candidate for the fire district office.

Ballot Box

The ballot box or other secure storage container is to be locked for the purposes of the election, and it shall not be opened until the close of the polls for purposes of canvassing by the election officials. Each inspector shall be responsible personally for the custody of each ballot box and another secure storage container and its contents from the time the election begins until the box or container is delivered, according to law, to the election officials, at which time it shall be opened and the votes canvassed.

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FIRE DISTRICT BOARD OF ELECTIONS

Designation of the Fire District Board of Elections

At least 40 days before the election, the board of fire commissioners shall designate the fire district board of elections. The Board is to designate a resident fire district elector, who shall be a registered voter of the town of Union, to act as chairman of the election of said district. The board of fire commissioners shall also designate not less than two nor more than four resident fire district electors, who shall be registered voters of the town of Union to act as election inspectors and ballot clerks at such elections. Elective officers of the fire district are not allowed to serve as the chairman or as an election inspector or ballot clerk.

Payment to the Fire District Board of Elections

The board of fire commissioners will upon the appointment of the Endwell Fire District Board of Elections adopt a resolution providing that such chairman, election inspectors, and ballot clerks shall be paid for their respective services at the election. If the hours of the polls are open from six o'clock in the evening until nine o'clock in the evening, each member of the board of election shall be paid the sum of \$70 per official. If additional consecutive hours prior to six o'clock in the evening are determined and specified in the notice of election, each member of the fire district board of elections shall be paid a sum not to exceed \$100.

QUALIFICATION TO VOTE

Every elector of the town who is registered to vote and who has resided in the district for the period of thirty days next preceding any election of fire district officers, the date of the special election any election at which a proposition shall be submitted shall be qualified to vote for such officers, vote in the special election or vote on the proposition.

A qualified voter for the purpose of voting in a fire district election must be:

- At least 18 years of on the fire district Election Day;
- A citizen of the United States;
- A resident of the State of New York;
- A resident of the county and fire district for a minimum of 30 days before the fire district election; and
- registered to vote with the Broome County Board of Election, such registration must have taken place on or before the 23rd day before such fire district election.

QUALIFICATION TO HOLD OFFICE

Residency Requirement

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Every fire district commissioner, treasurer, deputy treasurer, and secretary must, at the time of his or her election or appointment and throughout his or her term of office be a resident of the Endwell Fire district.

[The treasurer and secretary (who is not a commissioner) may be non-residents provided the board makes the appropriate determination as set forth in the Town law.]

Department Membership

A Fire district commissioner, the treasurer, or the secretary may be members of the O.L. Davis Volunteer Fire Department.

Arson Conviction

A conviction of arson in any degree disqualifies a fire district commissioner, treasurer, or secretary from holding office or from being a candidate for any fire district office. Any fire district commissioner, treasurer, or secretary who is convicted of arson in any degree during his term of office, forfeits their office and shall be disqualified from completing the term of office.

Distance Markers

The board of electors of the fire district shall conspicuously place, distance markers at a distance of one hundred feet from the polling place. The distance markers shall be so placed at least one-half hour before the opening of the polls and shall remain until such polls are closed. The one-hundred-foot distance shall be deemed to include a one-hundred-foot radial measured from the entrances to the polling place, designated by the resident fire elector, to a building where the election is being held.

While the polls are open no person shall do any electioneering within the polling place, in any public street within the one-hundred-foot radial, or within such distance in any place in a public manner. No electioneering banner, button, poster, or placard on behalf of or in opposition to any candidate or proposition to be voted upon shall be allowed in or upon the polling place or within such one hundred feet therefrom during the election.

While the polls are open no person shall consume any alcoholic beverages within the polling place.

Closing the Polls

Voters entitled to vote, who are in line to vote or in the polling place at the time fixed by law for the closing of the polls, shall be allowed to vote.

Custody of the Ballots

The election officials shall retain custody and control of all official ballots within the polling place from the opening of the polls until the close of the polls. Once the ballots have been counted and the results of the canvass are certified the ballots will be handed over to the Fire District Secretary.

Public announcement of the results

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After the polls shall have been closed for the election of fire district officers or to vote on a proposition, the election inspectors and ballot clerks shall immediately canvass the ballots cast. The Fire District Secretary shall publicly announce the result if there are no issues.

Filing the certificate of the results

Within 72 hours after the public announcement of the results of the voting, the chairman, election inspectors, and ballot clerks shall execute a certificate of the result of the canvass with the secretary of the board of fire commissioners of the Endwell Fire District. The secretary of the board of fire commissioners will file the certificate of the result of the canvass with the town clerk of the town of Union.

The American flag shall be kept displayed at each polling place throughout the election. A facsimile ballot, voter information posting, and distance markers shall not be taken down, torn, or defaced during the election.

If the Endwell Board of Fire Commissioners determines that the number of voters is so great as to render it inexpedient or impossible to conduct the election at one polling place, the Endwell Board of Fire Commissioners may divide the fire district into election districts and provide a polling place for each such election district, provided, however, that the number of election districts in any fire district shall not exceed one for each six hundred electors plus one for a remaining fraction of six hundred. Furthermore, the notice of election shall describe the election districts and state where the polling places will be located, and the board of fire commissioners shall designate additional election inspectors and ballot clerks at each such polling place and set the amount to be paid for the election inspectors and ballot clerks for their services.

This policy rescinds any previous version of this policy.

Reviewed and Adopted: January 04, 2023
By order of the Board of Fire Commissioners, Endwell Fire District